Sectt. II-27—45,006—19-10-39.

E+P.H (1940) **Department.**

M0' **SERIES.**

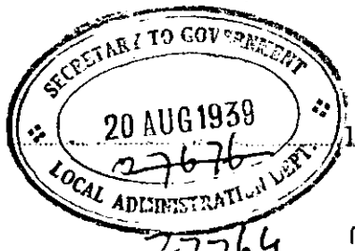
G.O. No. ~~622~~ P.H
662

Dated 22-2-40

[Despatch Abstract.]

lore Municipality - Deviations from Building Rules - Permitted as a special case.

DEPARTMENT. Pol



Received 20 AUG 1939 19 . *Registered* 34326 19

27764 27676

Subject.

Building rules- Rule No.8 - Difficulties in enforcing the above rule - Relaxation of rules - Requested.

L. A. Dept.

Edn. & P. H. Co.

ENCLOSURES.
No. . . . . .
Spare copies. . .

C. No. 9190-A4-39.

Station Mangalore, *Dated the* 12th August 1939.

From (Name) Sri M. Narayana Shenoy, B.A., B.L.,

(Designation) Commissioner, Municipal Council, Mangalore.

To The Secretary to the Government of Madras,

Through The Chairman, Municipal Council, Mangalore

Local Administration Department. Fort Saint George, Madras.

Sir,

I am to enclose a copy of resolution No.44 dated 3rd July 1939 of this Council and to write as follows:-

Some of the newly constructed buildings in the business localities of the town are provided with balconies projecting into the space between the building line and the road alignment. Such balcondes are not more than 4 feet in width. They are about 15 feet high from the road level and these are not supported by pillars. In storied shop buildings the rooms upstairs usually correspond to the rooms downstairs. Access to the up-

upstairs rooms cannot be had except through such balconies. These balconies do not in any way hinder the use of the road where it is sufficiently broad, on the other hand they add to the beauty of the building. If rule 8 of the rules issued in G.O.No.1621 P.H., L.S.G.Department dated 30th July 1932 as amended is to be strictly enforced as regards the balconies the owners of the building complain that in a place where land is very costly it is a real hardship to set back the building by another 4 feet, so that these balconies may not project over the 4 feet space referred to in the rule and the shops will also lose their aesthetic value being too far away from the road. I do not speak of such balconies on narrow roads as I am aware that they may prove objectionable. The balconies I speak of are balconies which cover only the 4 feet space, do not project over the public street, are not supported by pillars and are sufficiently high from the road.

(V) p. a

Another problem to be faced in the strict enforcement of rule No.8 in this Municipality is the heavy rain on the west coast as this coast gets torential rains for long periods. In order to safeguard the buildings against such heavy rains, it is the custom here to project the eves of the roof of every building about 3 feet beyond the wall. One cannot think of roofs here with eves flush with the walls as are found on the east coast. If rule No.8 is to be strictly adhered to, even eaves cannot be permitted to project over the 4 feet space referred to in the rule and the same difficulties enumerated above in the case of balconies arise here also.

In Muhammadan houses a compound wall cannot be anything less than 6 feet from the level of the compound. A wall of this height cannot as per ~~rules~~ rule 8 of the building

rules be built within 4 feet of the street alignment. Practical difficulty is felt in enforcing this rule in Muhammadan houses where Gosha system is observed.

This town consists of hills and valleys and in many places roads have been cut across elevated portions to a depth of even 10 to 15 feet. If in such places a compound wall revetment is to be built it can never satisfy the condition of 5 feet above the level of the centre of the street as the compounds themselves will be over 5 feet in height from the road. To leave 4 feet space in such cases will be to ask the parties to excavate their compound and gift 4 feet of space to the Municipality.

In the case of a compound wall facing the road, a gate is usually provided. Though the compound wall is not more than 5 feet above the road level the gate pillars are built up to a height of about 9 feet. This goes against rule 8 of the building rules but unless the gate pillars are sufficiently high gates cannot be fixed. Hence it is difficult to enforce this rule as regards the gate pillars.

Under rule 24 of the building rules there should be at the rear of every building an open space exclusively belonging thereto and extending laterally throughout the width of that site to a depth of not less than 10 feet. In this coast, buildings are not generally in street system in the rest of the province and a building has a compound attached to it in the front. It may hot be possible to have 10 feet always at the back but the object of rule could be satisfied.

These practical difficulties were placed before the Council and the Municipal Council in its

resolution No.44 dated 3rd July 1939 resolved to address Government to relax the building rules to the extent specified below in this Municipality under proviso to section 192 of the Madras District Municipalities Act 1920 as amended. In the circumstances I request --- Government may be pleased to permit the following deviations from rule 1 to 8 and also rule No.24 so far as this Municipality is concerned in order to meet the above mentioned difficulties.

Copy on p.6 cipher

(V)

(a) That balconies of not more than 3 feet width may be permitted to project over the 4 feet space referred to in the rule, provided they are not supported on pillars and they are not less than 15 feet high from the street.

(b) That eaves projecting not more than 2 feet horizontally from the wall and not less than 12 feet vertically above the level of the road may be permitted to project over the 4 feet space referred to in rule 8.

(c) That compound wall up to a height of 6 feet may be allowed within 4 feet space in Muhammadan dwelling houses.

// A

(d) That in cases where the compound is in a higher level than the street, wall may be permitted up to 3 feet from the level of the compound.

(e) That gate pillars up to 9 feet in height may be permitted to be constructed in the case of compound walls of not more than 5 feet high from the centre of the road.

(f) That for purposes of 10 feet open space at the rear, the side where there is a second opening may be considered as a rear side of the house for the

purpose of rule 24 of the building rules.

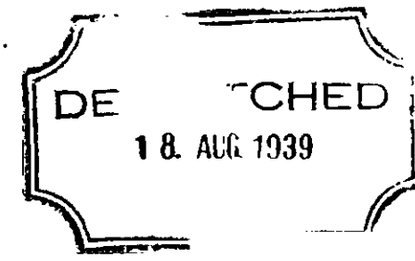
Commissioner.

F o r w a r d e d.

Chairman, M.C.

M.Ali/15.8.

Compd/9/5/18



Extract from the proceedings of the Mangalore Municipal Council, ~~xx~~ dated the 3rd July 1939.

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44. Read letter dated 23.6.1939 from the Municipal Health Officer representing the difficulties experienced in enforcing the Building Rules and the Commissioner's note thereon requesting to address Government to relax the rules under proviso to section 192 of the Madras District Municipalities Act to the extent mentioned in the report.

The Government to be addressed on the subject.

x x x

Sd/- B. Venkatrao Baliga.
Chairman, M. C.

/ TRUE EXTRACT /

Municipal Office, Mangalore,
Dated the 12th August 1939.

Commissioner, M.M.

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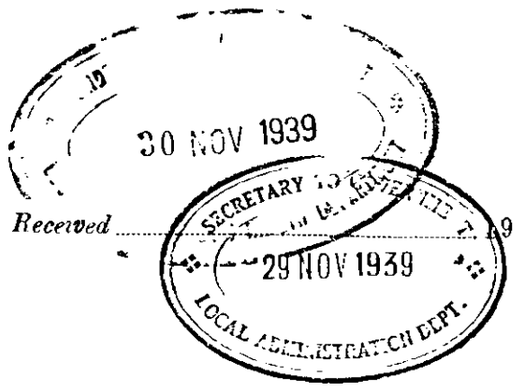
3718

DESPATCHED
18 AUG 1939



DEPARTMENT.

49464

Received ..... 19 *Registered* 19

Subject.

Building Rules - Rule No.8 - 4 feet space from road alignment - construction of buildings - Prohibited.

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ppl-Sante This Office C. No. 9190/A4/39, dated 12th August 1939.

ENCLOSURES.
No. .....
.....
Spare copies .....

Ref:C. No. 9190/A4/39

Station Mangalore, *Dated the* 24th November 1939.

From (Name) Sri M.Narayana Shenoy, B.A.,B.L.,

(Designation) Commissioner,Mangalore Municipality, Mangalore.

To The Secretary to the Government of Madras,

Through Local Administration Department.

The Chairman,
Municipal Council,
Mangalore.

Fort St.George,Madras.

Sir,

I request that early orders may be passed on the above reference.

Commissioner, M.M.

Forwarded:

B.Venkatarao Balige
Chairman, M.C.

24th November 1939

Compd : 25-11.

HDU/25/11/39.

Edn & P. H. Dept.

Endt. No. 34326F/39-1, dt 7-12-39

- Referred to the Director of Town Planning for remarks

(By order)

S. R. Kanivas
7.12.39.

Under Secretary to Govt.

H.P.
6/12/39

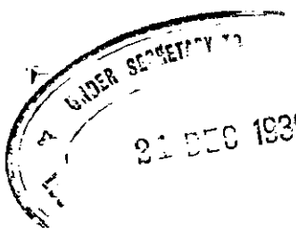
To

The Director of
Town Planning.

8/12/39

52863

Town Planning Department.



Sub: Mangalore - Building rules - Difficulties Experienced.

Ref: Government endorsement No.34326 F/39-1, dated 7-12-39 referring for remarks Commissioner's letters No.9190-A4-39, dated 12-8-1939 & No. -do- -do- 24-11-1939.

*****

R e s u b m i t t e d.

I see no objection to permit the deviations mentioned in items (a),(b),(c),(d), of the last para of the Commissioner's letter.

Item (e). The height of pillar should be limited to 8 ft., as a pillar of 9 ft. will come under definition of a building, vide sec.3(3) of the District Municipalities Act.

Item (f). Where there is side space for a building, the rear space can be dispensed with provided no back to back buildings are created thereby.

S. Subba Aiyar 21.12.39
for Ex-officio Director.

To the Secretary to Government,
Education & Public Health Dept.

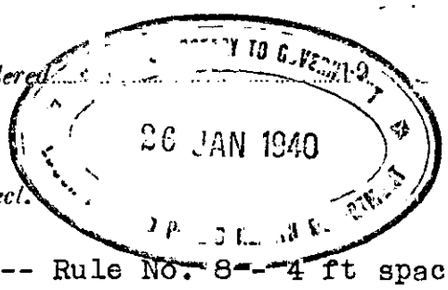
NBR.21-12.

D.T. P.No. 3298/39
21/12/1939

DEPARTMENT.

3263

Received ..... 19 . *Registered* .....



Subject.

Rules -- Building rules -- Rule No. 8--4 ft space from road alignment - construction of buildings - Relaxation of rules -- Requested.

pp 1-5 and 7 This office C.No. 9190/A4/39, dated 12th August 1939.

ENCLOSURES.

No. .....

.....

Spare copies.

C. No. 9190/A4/39

Station Mangalore, *Dated the* 18th January 19 40

From (Name) Sri M. Narayana Shenoy, B.A.,B.L.,

(Designation) Commissioner, Mangalore Municipality
Mangalore.

To The Secretary to the Government of Madras,
Local Administration Department.
Fort St.George, Madras.

Through
The Chairman,
Municipal Council,
Mangalore.

Sir,

I request that early orders may be passed on the above reference.

Commissioner, M.M.

F o r w a r d e d:

18th Jan.1940. B.Venkataraya Baliga Chairman, M.C.

L.A. Dept.

Compd/

HDU/ 19.1.40.

Edn. & P.H. Cos.

64/242

C.F. 17.

E & P.H.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		

SUBJECT:—

Buildings - Mangalore Municipality Deviations from Building Rules - Permitted as a special case.

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO*:—

No._____From the_____, No._____, dated_____19____.

From the Commr. Mangalore Mlty. C. No. 9190-A4-39, dated 12-8-39.

C.No.49464 " _____ " _____ " _____ " _____ 19____. 24-11-39.

52863/39, _____ " D.T.P. No. 3298/39, dated 21-12-1939.

Order / Resolution / Ms. / Rout. No. 662 P.H., dated 22. 2. 19 40.

In exercise of the powers vested in him by the proviso to Section 192 of the Madras District Municipalities Act, H.E. the Governor of Madras is pleased to direct that in respect all of/buildings in the Mangalore Municipality the operation of rules Nos. 8 and 24 of the Building Rules issued with G.O.No. 1621 P.H. dated 30-7-32 as subsequently amended, be relaxed subject to the following conditions:-

(i) Balconies of not more than 3 feet in width may be permitted to project over the four feet space referred to in rule 8, provided they are not supported by pillars and are not less than 15 feet above the street level;

(ii) Eaves projecting not more than 2½ feet horizontally from the wall and not less than 12 feet above

the street level may be permitted to project over the four feet space referred to in rule 8;

(iii) Compound walls may be built up to a height of 6 feet within the four feet space referred to in rule 8;

(iv) In cases where the compound is on a higher level than the street, compound walls may be built upto a height of 3 feet from the level of the compound or 6 feet from the level of the street whichever be higher;

(v) Gate pillars up to a height of 8 feet may be permitted in the case of of compound walls of not more than 5 feet high from the level of (the centre of) the street, and

(vi) For ~~the~~ purposes of rule 24, where there is a ~~side~~ space of 10 feet ~~or~~ by the Rule of the building, the rear space ~~will be~~ may not ~~be~~ be considered, dispensed with, provided no back to back buildings are created thereby.

2. The above exemptions do not in any way dispense with the formalities of applications for permission, or the work power of the municipal council to refuse permission for buildings when they infringe some other rule.

3. A copy of the remarks of the D.T.P. is communicated to the Commissioner, Mangalore Municipality.

SRK
21.2.40 S.V

To the Commr. Mangalore Mlty(~~with a copy of D.T.P.'s remarks~~ ~~dtd~~ 9.2.40.)
To the Director of Town Planning.

Dpd. by Van
Engr

Dpr's init: M.

Date 24/2/40.

~~Note. Please see the D.T.P's remarks~~ ~~on P. 9 c/s~~